

CHAPTER NO. 1028

HOUSE BILL NO. 2884

By Representatives Westmoreland, McDaniel

Substituted for: Senate Bill No. 3098

By Senators Clabough, Atchley

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to the collection of biological specimens for DNA analysis.

WHEREAS the classification and maintenance of fingerprint databases have aided law enforcement immensely in the identification and prosecution of criminals; and

WHEREAS scientific advances have now provided an even more advanced means of identifying the guilty and exonerating the innocent in the form of DNA testing and classification; and

WHEREAS the General Assembly finds that the slight invasion of liberty necessitated by the collection and preservation of a biological specimen is far outweighed by the vast remedial benefit to be gained by maintaining a database for comparison to biological samples from unsolved crimes; therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35 is amended by adding the following as an appropriately numbered new subsection:

When a court sentences a person convicted of any felony offense committed on or after July 1, 1998, it shall order the person to provide a biological specimen for the purpose of DNA analysis as defined in subsection (a). If the person is not incarcerated at the time of sentencing, the order shall require the person to report to the County or District Health Department, which shall gather the specimen. If the person is incarcerated at the time of sentencing, the order shall require the chief administrative officer of the institution of incarceration to designate a qualified person to gather the specimen. The biological specimen shall be forwarded by the approved agency or entity collecting such specimen to the Tennessee Bureau of Investigation which shall maintain it as provided in § 38-6-113. The court shall make the providing of such a specimen a condition of probation or community correction if either is granted.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35 is amended by adding the following as an appropriately numbered new subsection:

If a person convicted of any felony offense, and committed to the custody of the Commissioner of Correction for a term of imprisonment, has not provided a biological specimen for the purpose of DNA analysis as defined in subsection (a), the Commissioner or the Chief Administrative Officer of a local jail may order the person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment. The biological specimen shall be forwarded by the approved agency or entity collecting such specimen to the bureau which shall maintain it as provided in § 38-6-113.


SECTION 3. This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 29, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 1998


DON SUNDQUIST, GOVERNOR